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29 have been amended for clarity. Accordingly, the rejection will be discussed with respect to the claims, as amended.

Ullrich is directed to a method for providing video programming nearly on demand. The video network disclosed by Ullrich includes a video server that operates several video recorders *to simultaneously exhibit video performances or programs on a plurality of channels*. The video player system of Ullrich is controlled in accordance with a predetermined schedule and in a manner that causes a video program to be applied at specified times. In particular, Ullrich teaches that the schedule instructs the video player system to be controlled so that at least one selected video program is simultaneously applied to a plurality of channels (See, e.g., Col. 2, lines 20-31). Thus, the system of Ullrich is not adapted for transmitting audiovisual item selection information toward only an associated television set amongst a plurality of television sets.

In complete contrast, the claimed invention specifically recites that the audiovisual item selection information is transmitted to the television set associated with the telephone set that made the request. There is no teaching or suggestion of this feature anywhere in Ullrich. Instead, and in a completely distinct manner, Ullrich teaches simultaneous application of a video program to a plurality of channels, in a manner more analogous to a broadcast system <sup>to more than one</sup> as opposed to a dedicated system. Additionally, the claims have been amended to recite that the telephone switching system is comprised of a telephone exchange of the PABX type. A PABX type telephone switching system enables the system and method of the claimed invention to realize the features recited in

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the claims as being performed by the telephone switching system. There is no teaching or suggestion of a PABX type telephone switching system in Ullrich.

The Office Action goes on to allege that Ballance discloses that dedicated communications channels were well known in the art at the time the invention was made. Even assuming, *arguendo*, that the combination of Ballance and Ullrich is proper, the combination nevertheless fails to meet the claimed invention. In particular, if the dedicated channel of Ballance were applied to the system of Ullrich, the combination would result in a system having a dedicated channel for requesting a video program, but would still require a system in which the video programs are simultaneously applied to a plurality of channels. Ballance fails to provide any teaching or suggestion for replacing or modifying the simultaneous application of a video program to a plurality of channels of Ullrich with the system and method of the claimed invention. Therefore, Ballance fails to overcome a fundamental deficiency of Ullrich noted above. Moreover, allegedly improved and advantageous features of Ullrich would be destroyed if the simultaneous application of a video program to a plurality of channels were removed. In other words, the advantages presented in the summary section of Ullrich would no longer be achieved if the staggered simultaneous play of Ullrich were not available.

The Office Action appears to be engaging in piecemeal hindsight reconstruction of the claimed invention by picking and choosing various features from the prior art without regard for the effect that such a proposed combination would have on the base references, and without realizing that the proposed combination, even if made, nevertheless fails to meet the claimed invention.

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Therefore, it is respectfully submitted that the combination of Ullrich and Ballance (even if arguably proper) fails to render the claimed invention obvious. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing, it is respectfully submitted that the entire application is in condition for allowance. Favorable reconsideration of the application and prompt allowance of the claims are earnestly solicited.

Should the Examiner deem that further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,

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**MARKED-UP VERSION OF AMENDED CLAIMS**

27. *(Amended)* A system for selectively distributing audiovisual items on a coaxial cable network including a plurality of channels, comprising:

    a jukebox device storing a plurality of audiovisual items, wherein the jukebox device communicates with the cable network via a dedicated channel of the plurality of channels, and further wherein the jukebox device is connected to a telephone switching system for receiving selection information for selecting one of said audiovisual items,  
said telephone switching system comprising a telephone exchange of the PABX type,

    a plurality of television sets connected to the cable network for receiving a selected audiovisual item,

    a same plurality of telephone sets, each being associated with a television set and connected to said telephone switching system for transmitting said selection information,

    wherein the telephone switching system is arranged:

        - for receiving and recognizing a specific call number dialed by any one of said telephone sets, and for determining identification information identifying said dialing telephone set,

        - for calling the jukebox device upon receiving the specific call number, and  
        - for transmitting to the jukebox device the identification information,

    and wherein the jukebox device is arranged, when receiving said identification information, for transmitting audiovisual items selection information to the associated television set.

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29. *(Amended)* A method for selectively distributing audiovisual items on a coaxial cable network including a plurality of channels, comprising:

providing a jukebox device storing a plurality of audiovisual items, wherein the jukebox device communicates with the cable network via a dedicated channel of the plurality of channels, and further wherein the jukebox device is connected to a telephone switching system for receiving selection information for selecting one of said audiovisual items, said telephone switching system comprising a telephone exchange of the PABX type,

providing a plurality of television sets connected to the cable network for receiving a selected audiovisual item,

providing a same plurality of telephone sets, respectively associated with said television sets and connected to said telephone switching system for transmitting said selection information,

dialing a specific call number by using any one of said telephone sets, then in said telephone switching system:

- receiving and recognizing the dialed specific call number,
- determining identification information identifying said dialing telephone set, calling the jukebox device, when receiving such a specific call number, and
- transmitting to the jukebox device the identification information, then the jukebox device transmitting, when receiving said identification information, audiovisual items selection information to the associated television set.